

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/12877

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in electronic form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 3,6 YES
Claims 1,2,4,5,7 and 8 NO

Inventive step (IS)

Claims NONE YES
Claims 1-8 NO

Industrial applicability (IA)

Claims 1-8 YES
Claims NONE NO

2. Citations and explanations:

Claims 1,2,4, 5,7 and 8 lack novelty under PCT Article 33(2) as being anticipated by US Patent No. 6,364,895 to Greenhalgh. As clearly shown in Figures 1-3, Greenhalgh discloses a filter with a plurality of struts that define first and second filter sections. Figures 2A and 2B illustrate the filter resiliently expanding upon delivery. The second filter section has a greater number of cells than the first section to more efficiently capture debris. The struts can be made of Nitinol (column 4, lines 34-36). Greenhalgh includes projections (52) that engage the lumen to prevent movement of the filter (column 5, lines 60-67).

Claims 1-4 and 6-8 lack an inventive step under PCT Article 33(3) as being obvious over US Patent No. 6,241,746 to Bosma et al. in view of Greenhalgh. Bosma discloses a filter made of a single unitary piece of metal. The filter has a plurality of struts that define first, second, and central filter sections. The struts extend parallel to the longitudinal axis in the central section. The metal can be nitinol (column 3, line 50). Bosma fails to form the filter to have more cells in the second filter section. Greenhalgh teaches that having a greater number of struts and cells in the second, downstream section helps to capture debris that flows into the basket through the larger openings of the first section that has fewer struts and cells (column 1, lines 48-67). It would be obvious to one of ordinary skill in the art to modify Bosma in view of Greenhalgh, so that the filter has a greater number of struts and cells in the second section to aid in the capture of debris.

Claims 1-8 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.